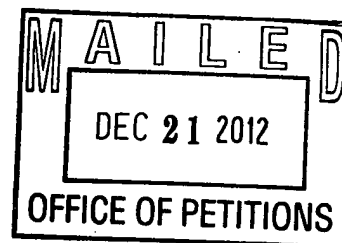




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VLADIMIR KUPERSHMIDT
3124 WEYMOUTH CT.
PLEASANTON CA 94588



In re Patent No. 6,631,199
Issue Date: October 7, 2003
Application No. 09/207,339
Filed: December 8, 1998
Title of Invention: Automated Identification
Through Analysis of Optical Birefringence
Within Nail Beds

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c)¹, filed November 15, 2012, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent issued October 7, 2003. The patent expired for failure to timely pay the second maintenance fee. The window for payment of the second maintenance fee installment with a surcharge closed on October 7, 2011.

However, while the certificate of mail is signed by three joint inventors, the petition under 37 CFR 1.378(c) is only signed by Allen Topping, who is neither an attorney or agent registered to practice before the United States Patent and Trademark Office.

¹ 37 CFR 1.378(c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:

- (1) The required maintenance fee set forth in § 1.20(e) through (g);
- (2) The surcharge set forth in § 1.20(l)(2); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.

Since there is no indication that petitioner herein was ever empowered to handle matters regarding the instant patent on behalf of the other joint inventors, the petition to reinstate is not grantable. If petitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney documentation must be submitted. If the new power of attorney and/or change of address is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b). A courtesy copy of this decision will be mailed to petitioner. All future correspondence, however, will be mailed solely to the correspondence address of record.

If petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which may be mailed concerning this patent, a Fee Address should be submitted to Maintenance Fee Division.

Additionally, a review of the record reveals that petition was filed with an authorization to charge \$2635 to the credit card provided for the third maintenance fee and with an authorization to charge any deficiencies to the same card. At the outset, petitioner is advised that it is the second maintenance fee that is due, not the third scheduled maintenance fee and thus as such, the maintenance fee is \$1450 and the surcharge after expiration is \$1640. In view of the deficiency and the authorization included with the petition, the credit card provided is also being charged in the amount of \$455, the total charge to the credit card provided is therefore \$3090.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions